

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARTFORD FIRE INSURANCE
COMPANY,

Plaintiff,

v.

CARSON MADRONA COMPANY, LLC,
et al.,

Defendants.

Case No. 23-cv-06259-VC

**TENTATIVE ORDER RE CROSS-
MOTIONS FOR SUMMARY
JUDGMENT**

Re: Dkt. Nos. 63, 64, 67, 68

The Court is tentatively inclined to rule on the cross-motions for summary judgment as follows: The endorsement, not the coverage form, controls Carson Madrona's coverage under the Hartford and ACE policies. The endorsement requires something like proximate cause, such that Hartford and ACE had no duty to indemnify Carson Madrona given the jury's finding that Ashley was a 0% substantial factor in causing Perez's injuries. Hartford and ACE had a duty to defend Carson Madrona on appeal, however, because the appeal could have resulted in a new trial, which could in turn have resulted in a finding that Ashley caused Perez's injury and therefore resulted in coverage. The Ohio Security policy applies before the Hartford policy, and the American Fire policy applies before the ACE policy.

The parties should come to the hearing prepared to discuss these tentative rulings (including whether the tentative ruling on priority of coverage would be an alternative ground for granting Hartford's and ACE's motions regarding their duty to defend).

IT IS SO ORDERED.

Dated: February 25, 2025



VINCE CHHABRIA
United States District Judge